



NVI 5044
PATENT

#6
(BDA)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Christopher D. Knight
Serial No. 09/333,095
Filed June 15, 1999
For PROCESS FOR OPTIMIZING MILK PRODUCTION
Examiner Nina Bhat

Art Unit 1761

TC 1700 MAIL ROOM

JUL 17 2000

RECEIVED

July 10, 2000

07/18/2000 KBUTLER 00000005 191245 09333095

01 FC:148

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
110.00 PATENTING REJECTION OVER A PENDING SECOND APPLICATION

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

SIR:

The owner, Novus International, Inc., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/333,095, filed on June 15, 1999. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event

that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of organization

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

July 10, 2000
Date

Anthony R. Kinney
Signature

Anthony R. Kinney
Typed or Printed Name

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included

☐ PTO suggested wording for terminal disclaimer was

☒ unchanged

☐ changed (if changed, an explanation should be supplied)